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EXAMINER

LEMIEUX, JESSICA

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,131	<b>Applicant(s)</b> REDWEIK, PETER HANS	
	<b>Examiner</b> JESSICA L. LEMIEUX	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/20/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-32, 35-54 and 57-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-32, 35-54 and 57-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Final Office action is in response to the application filed on August 20<sup>th</sup>, 2003 and in response to the applicant's arguments/amendments filed on October 20<sup>th</sup>, 2008. Claims 1-10, 13-32, 35-54 and 57-66 are pending.

#### ***Response to Arguments***

2. Applicant's arguments, with respect to 35 U.S.C. 101 rejections of claims 1-5, 16-20 and 31-35 have been fully considered and are persuasive in view of the amended claim language. The 35 U.S.C. 101 rejections of claims 1-5, 16-20 and 31-35 has been withdrawn.

3. Applicant argues that the prior art does not specifically teach "performing NPV calculations (namely, performing forecast calculations on the selected accounts, applying attrition rates to results of the forecast calculations on the selected accounts, applying attrition rates to results of the forecast calculations, and aggregating results of the attrition rates) and performing FV calculations (namely performing propensity calculations on the selected accounts and applying attrition rates to results of the propensity calculations), and then integrating the results from the NPV and FV calculations to provide a Life-Time Value (LTV) for the selected accounts." Applicant's arguments have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

For sake of clarification, Examiner notes that with regard to Applicant's argument that the prior art "do[es] not teach or suggest results from the NPV and FV calculations being integrated to provide an LTV," Applicant admits that Sulkowski teaches the calculation of a NPV for each account. As was explained above, NPV is determined by using FV and vice versa. Sulkowski further states that "the lifetime-value is thus risk-base, in that it takes the past, current and future charge-off risk of an account into consideration." The reference goes on to clarify that it "generates a net present value for each account in one or more future periods... [utilizing] an adjusted cash flow discount rate, and the number of periods into the future for which to calculate forecasted Lifetime-value" (paragraphs [0066-0067]). Examiner notes that a net present value in multiple future periods utilizing discount rates would be a future value (FV). Sulkowski further states that "the lifetime-value (LTV) is then the sum of discounted cash flows for each account" (paragraph [0069 and 0077]). Therefore it would have been obvious to one skilled in the art at the time of invention that Johnson does disclose results from the NPV and FV calculations being integrated to provide an LTV.

Examiner further notes that Sandretto teaches applying forecast rules to the selected accounts, applying the attrition rules to results of the forecast rules and aggregating results of the attrition rates (column 8, line 60- column 9, line 9) as well as performing propensity calculations on the selected accounts and applying attrition rates to results of the propensity calculations (column 8, line 60- column 9, line 19). Examiner notes that even if Sandretto does not specifically differentiate calculating NPV from FV, it teaches the same basic calculations whereby these calculations can easily be used to

Art Unit: 3693

modify Sulkowski to account for both the increases and decreases of value needed to more accurately estimate net present and future value. Examiner further notes that Applicant acknowledges that Sandretto teaches calculating NPV and determining simulated returns for each asset (FV). Therefore it would have been obvious to one skilled in the art at the time of invention that the prior art does teach applying forecast rules to the selected accounts, apply the attrition rules to results of the forecast rules and aggregating results of the attrition rates as well as performing propensity calculations on the selected accounts and applying attrition rates to results of the propensity calculations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-13, 16-18, 20, 22-26, 29-35, 38-40, 42, 44-48, 51-57, 60-62, 64 and 66 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) further in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto).

As per claims 1, 23 and 45

Johnson discloses selecting accounts, amounts and rates (asset data) from account data stored in a database using selection criteria specified by one or more rules (column 4, lines 10-19) and performing one or more Net Present Value (NPV) (column 9, lines 3-26) and Future Value (FV) ( $C_1$ , expected payoff) calculations on the selected

Art Unit: 3693

accounts according to the rules using the selected amounts and rates (column 9, lines 3-26 & 58-60).

Examiner notes that Johnson states "retrieving individual asset data from a database based on a given criteria, performing an NPV calculation." The act of "retrieving data" based on "given criteria" is in it of itself selection criteria. The rules by which this data is retrieved can be anything such as a rule to only access the required information instead of always retrieving everything and anything possible in the database. Examiner asserts that there must be some set of rules/guidelines to select information, otherwise the correct/required information wouldn't be accessed.

Johnson does not specifically teach the results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) for the selected accounts.

Sulkowski teaches results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) for the selected accounts (paragraphs [0009-0010, 0027, 0066-0077 and 0104-0112]). Examiner notes that Sulkowski states that "the lifetime-value is thus risk-based, in that it takes the past, current and future charge-off risk of an account into consideration.' The reference goes on to clarify that it "generates a net present value for each account in one or more future periods... [utilizing] an adjusted cash flow discount rate, and the number of periods into the future for which to calculate forecasted Lifetime-value" (paragraphs [0066-0067]). Examiner further notes that a net present value in multiple future periods utilizing discount rates would be a future value (FV).

Therefore it would have been obvious to one skilled in the art at the time of invention was made that results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) for the selected accounts as taught by Sulkowski to accurately evaluate future profitability of assets by taking into account present and future values.

Johnson does not specifically teach performing forecast calculations on the selected accounts, applying attrition rates to results of the forecast calculations, and aggregating results of the attrition rates.

Sandretto teaches applying NPV forecast rules to the selected accounts, apply the NPV attrition rules to results of the forecast rules and aggregating results of the attrition rates (column 8, line 60- column 9, line 9).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to apply NPV forecast rules to the selected accounts, apply the NPV attrition rules to results of the forecast rules and aggregating results of the attrition rates as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

Johnson also does not specifically teach performing propensity calculations on the selected accounts and applying attrition rates to results of the propensity calculations.

Sandretto teaches performing propensity calculations on the selected accounts and applying attrition rates to results of the propensity calculations (column 8, line 60- column 9, line 19).

Art Unit: 3693

Therefore it would have been obvious to one skilled in the art at the time of invention to perform propensity calculations on the selected accounts and apply attrition rates to results of the propensity calculations as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

As per claims 2, 24 and 46

Johnson discloses the NPV is a net present profitability value (column 9, lines 1-2).

As per claims 3, 25 and 47

Johnson discloses the FV ( $C_1$ ) is a possible future profitability value (expected payoff) (column 9, lines 3-10).

As per claims 4, 26 and 48

Johnson discloses the selected accounts contain current profitability values (current appraisal amount) (column 18, lines 8-20). Examiner notes that  $C_0$  is the investment at time 0 and therefore it would have been obvious to one skilled in the art at the time the invention was made that a current profitability value would be the value at the present time, time 0.

As per claims 7, 29 and 51

Johnson discloses the selected rates are NPV forecast rates (discount factor) (column 9, lines 3-11).

Examiner notes that Johnson teaches a discount factor. One skilled in the art at the time the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flow as it can also be used to increase future cash flow since a discount factor .

As per claims 8, 30 and 52

Johnson discloses the selected rates are NPV attrition rates (discount factor) (column 9, lines 3-11).

Examiner notes that applicant's specification conceptually defines attrition rates as "the rate at which a cash flow will be decreased" (page 8, lines 25-26). Johnson teaches a discount factor. One skilled in the art at the time the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flow.

As per claims 10, 32 and 54

Johnson discloses the selected rates are FV attrition rates (discount factor) (column 9, lines 3-11).

Examiner notes that applicant's specification conceptually defines attrition rates as "the rate at which a cash flow will be decreased" (page 8, lines 25-26). Johnson teaches a discount factor. One skilled in the art at the time the invention was made

Art Unit: 3693

would understand that a discount factor is a rate used to discount or decrease future cash flow.

As per claims 13, 35 and 57

Johnson discloses the current profitability data is aggregated to provide an initial amount for the NPV and FV ( $C_1$ ) calculations (column 9, lines 1-27).

As per claims 9, 31 and 53

Johnson discloses the selected rates are FV propensity rates (risk) (column 9, lines 20-22 and column 16, lines 49-51). Examiner notes that propensity is the probability that something is likely to happen, a risk measure. Johnson teaches risk. One skilled in the art at the time the invention was made would understand that propensity rules are rules that measure and determine risk is a rate used to discount or decrease future cash flow to obtain a net present value. Examiner also notes that the equation in the reference is a Future Value equation solving for Net Present Value (NPV). It would have further been obvious to one skilled in the art at the time the invention was made that this equation could easily be manipulated to solve for Future Value or any of the other variables in the equation.

Sandretto teaches the selected rates are FV propensity rates (risk) (abstract & column 4, lines 13-16).

Therefore it would have been obvious to one skilled in the art at the time of invention to apply one or more propensity rates (risk) as taught by Sandretto as the propensity rules can be used to determine an asset's discount rate and therefore present value.

As per claims 16, 38 and 60

Johnson teaches calculating forecast amounts (column 9, lines 3-27).

Johnson does not specifically teach calculating forecast amounts for each forecast period for the selected accounts and applying attrition rates to the forecast amounts to arrive at NPV expected values.

Sandretto teaches calculating forecast amounts for each forecast period for the selected accounts and applying attrition rates to the forecast amounts to arrive at NPV expected values (column 8, line 60- column 9, line 9).

Therefore it would have been obvious to one skilled in the art at the time of invention to calculating forecast amounts for each forecast period for the selected accounts and applying attrition rates to the forecast amounts to arrive at NPV expected values as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

Johnson further does not specifically teach calculating an NPV amount by combining the NPV expected values for each forecast period for the selected accounts and discounting the combined NPV expected values.

Sulkowski teaches calculating an NPV amount by combining the NPV expected values for each forecast period for the selected accounts and discounting the combined NPV expected values (paragraphs [0103-0111]).



Art Unit: 3693

Therefore it would have been obvious to one skilled in the art at the time of invention to include calculating an NPV amount by combining the NPV expected values for each forecast period for the selected accounts and discounting the combined NPV expected values as taught by Sulkowski to accurately evaluate profitability of assets by taking into account present and future values.

As per claims 17, 39 and 61

Johnson does not specifically teach the forecast amounts are based on the selected accounts' contractual data.

Sandretto teaches the forecast amounts are based on the selected accounts' contractual data (additional estimated cash flows based upon different estimates for one or more economic variables) (column 8, line 53, column 9, line 19).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the time value of money calculations of Johnson to include the forecast amounts are based on the selected accounts' contractual data as taught by Sandretto to increase the accuracy of the time value of money calculations.

As per claims 18, 40 and 62

Johnson does not specifically teach the forecast amounts are based on forecast assumptions applied to the selected accounts.

Sandretto teaches the forecast amounts are based on forecast assumptions applied to the selected accounts (additional estimated cash flows based upon different estimates for one or more economic variables) (column 8, line 53, column 9, line 19).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the time value of money calculations of Johnson to include the forecast amounts are based on forecast assumptions applied to the selected accounts as taught by Sandretto to increase the accuracy of the time value of money calculations.

As per claims 20, 42 and 64

Johnson teaches calculating propensity (risk) amounts (column 9, lines 3-27 & column 16, lines 49-51). Examiner notes that propensity is the probability that something is likely to happen, a risk measure. Johnson teaches calculating risk. One skilled in the art at the time the invention was made would understand that propensity amounts are amounts of risk determined by discounting or decreasing future cash flow.

Johnson does not specifically teach calculating propensity amounts for each forecast period for the selected accounts and applying attrition rates to the propensity amounts to arrive at FV expected values.

Sandretto teaches teach calculating propensity amounts for each forecast period for the selected accounts and applying attrition rates to the propensity amounts to arrive at FV expected values (column 8, line 60- column 9, line 19).

Therefore it would have been obvious to one skilled in the art at the time of invention to calculating propensity amounts for each forecast period for the selected accounts and applying attrition rates to the propensity amounts to arrive at FV expected

Art Unit: 3693

values as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

Johnson further does not specifically teach calculating an FV amount by discounting the FV expected values for each forecast period for the selected accounts and summing the discounted FV expected values.

Sulkowski teaches calculating an FV amount by discounting the FV expected values for each forecast period for the selected accounts and summing the discounted FV expected values (paragraphs [0009-0010, 0027, 066-0077 and 0104-0112]).

Examiner notes that Sulkowski teaches the calculation of a NPV for each account. It would have been obvious to one skilled in the art at the time the invention was made that the calculation of NPV is a time value of money equation that can be easily manipulated to solve for Future Value or any of the other variables in the equation. Therefore, NPV is determined by using FV and vice versa. Sulkowski further states that "the lifetime-value is thus risk-based, in that it takes the past, current and future charge-off risk of an account into consideration." The reference goes on to clarify that it "generates a net present value for each account in one or more future periods... [utilizing] an adjusted cash flow discount rate, and the number of periods into the future for which to calculate forecasted Lifetime-value." Examiner further notes that a net present value in multiple future periods utilizing discount rates would be a future value (FV). Sulkowski further states that "the lifetime-value (LTV) is then the sum of discounted cash flows for each account."

Therefore it would have been obvious to one skilled in the art at the time of invention to include calculating an FV amount by discounting the FV expected values for each forecast period for the selected accounts and summing the discounted FV expected values as taught by Sulkowski to accurately evaluate profitability of assets by taking into account present and future values.

As per claims 22, 44 and 66

Johnson does not specifically teach summing the FV amounts across the forecast periods to arrive at a single FV amount, aggregating the FV amounts to arrive at a final FV amount and adding the final FV amount to an NPV amount to arrive at an LTV amount.

Sulkowski teaches summing the FV amounts across the forecast periods to arrive at a single FV amount, aggregating the FV amounts to arrive at a final FV amount and adding the final FV amount to an NPV amount to arrive at an LTV amount (paragraphs [0009-0010, 0027, 066-0077 and 0104-0112]).

Examiner notes that Sulkowski teaches the calculation of a NPV for each account. It would have been obvious to one skilled in the art at the time the invention was made that the calculation of NPV is a time value of money equation that can be easily manipulated to solve for Future Value or any of the other variables in the equation. Therefore, NPV is determined by using FV and vice versa. Sulkowski further states that "the lifetime-value is thus risk-based, in that it takes the past, current and future charge-off risk of an account into consideration." The reference goes on to clarify that it "generates a net present value for each account in one or more future periods..."

Art Unit: 3693

[utilizing] an adjusted cash flow discount rate, and the number of periods into the future for which to calculate forecasted Lifetime-value.” Examiner further notes that a net present value in multiple future periods utilizing discount rates would be a future value (FV). Sulkowski further states that “the lifetime-value (LTV) is then the sum of discounted cash flows for each account.”

Therefore it would have been obvious to one skilled in the art at the time of invention to include summing the FV amounts across the forecast periods to arrive at a single FV amount, aggregating the FV amounts to arrive at a final FV amount and adding the final FV amount to an NPV amount to arrive at an LTV amount as taught by Sulkowski to accurately evaluate future profitability of assets by taking into account present and future values.

5. Claims 6, 28 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) further in view US Patent Number 5,852,811 to Atkins (hereinafter Atkins).

As per claims 6, 28 and 50

Johnson does not specifically teach the selected amounts are forecast amounts.

Atkins discloses the selected amounts are forecast amounts (projected future value of the asset) (column 25, lines 39-45 & 59-65).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the selected amounts are forecast amounts as taught by Atkins as a type of selected amount found in the database to select in order to determine values and rates regarding the asset utilizing the time value money equations.

6. Claims 5, 14-15, 27, 36-37, 49 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) further in view the Fundamentals of Financial Management by Kuhlemeyer (hereinafter Kuhlemeyer).

Art Unit: 3693

As per claims 5, 27 and 49

Johnson does not specifically teach the rules are defined by a user.

Kuhlemeyer teaches the rules are defined by a user (slides 5, 10 and 11).

Examiner notes that Johnson states "retrieving individual asset data from a database based on a given criteria, performing an NPV calculation." The act of "retrieving data" based on "given criteria" is in it of itself selection criteria. The rules by which this data is retrieved can be anything such as a rule to only access the required information instead of always retrieving everything and anything possible in the database. Examiner asserts that there must be some set of rules/guidelines to select information, otherwise the correct/required information wouldn't be accessed. Examiner further asserts that since Kuhlemeyer teaches where a user can specify the forecast period and the rates that they are in essence defining the rules by which the information is selected.

Therefore it would have been obvious to one skilled in the art at the time of invention to that the rules are defined by a user as taught by Kuhlemeyer to allow comparisons of future values at different time periods using specific rates. It is required to recognize a range of situations including the worst case in order to make a business judgment considering a measure for risk management.

As per claims 14, 36 and 58

Johnson does not specifically teach a user specifies one or more forecast periods over which the NPV and FV calculations are performed.

Kuhlemeyer teaches a user specifies one or more forecast periods over which the NPV and FV calculations are performed (slides 5, 10 and 11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to permit a user to specify one or more forecast periods over which the NPV and FV calculations are performed as taught by Kuhlemeyer to allow comparisons of future values at different time periods. It is required to recognize a range of situations including the worst case in order to make a business judgment considering a measure for risk management.

As per claims 15, 37 and 59

Johnson does not specifically teach a user specifies one or more rates for the forecast periods.

Kuhlemeyer teaches a user specifies one or more rates for the forecast periods (slides 5, 10 and 11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to permit a user to specify one or more rates for the forecast periods as taught by Kuhlemeyer to allow comparisons of future values at different time periods using specific rates. It is required to recognize a range of situations including the worst case in order to make a business judgment considering a measure for risk management.

Art Unit: 3693

7. Claims 19, 41 and 63 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) in view of Microsoft Office Excel 2003 (hereinafter Microsoft Office Excel 2003).

As per claims 19, 41 and 63

Johnson does not specifically teach NPV amount =  $\text{Summation (NPV Expected Value}_i) / (1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered by the user for forecast period  $i$ .

Microsoft Office Excel teaches NPV amount =  $\text{Summation (NPV Expected Value}_i) / (1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered by the user for forecast period  $i$ . Applicant has also admitted that NPV is a well known term in the art and is a function used in Microsoft Excel.

Therefore it would have been obvious to one skilled in the art at the time of invention to include that teaches NPV amount =  $\text{Summation (NPV Expected Value}_i) / (1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered by the user for forecast period  $i$  as taught by Microsoft Office Excel to allow for the calculation of the NPV over a number of forecast periods.

8. Claims 21, 43 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) in view of Microsoft Office Excel 2003 (hereinafter Microsoft Office Excel 2003) further in view the Fundamentals of Financial Management by Kuhlemeyer (hereinafter Kuhlemeyer).

As per claims 21, 43 and 65

Johnson does not specifically teach FV amount =  $\text{Summation (FV Expected Value}_i) / (1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered by the user for forecast period  $i$ .

Microsoft Office Excel teaches NPV amount =  $\text{Summation (NPV Expected Value}_i) / (1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered

Art Unit: 3693

by the user for forecast period  $i$ . Applicant has also admitted that NPV and FV are well known term in the art and are functions used in Microsoft Excel.

Kuhlemeyer teaches  $PV = FV/(1+i)^n$ . Examiner notes that it is well known in the art that this equation can also be written as  $PV = \text{Summation } (FV/(1+i)^n)$ .

Examiner further notes that Sulkowski teaches the calculation of a NPV for each account. It would have been obvious to one skilled in the art at the time the invention was made that the calculation of NPV is a time value of money equation that can be easily manipulated to solve for Future Value or any of the other variables in the equation. Therefore, NPV is determined by using FV and vice versa.

Therefore it would have been obvious to one skilled in the art at the time of invention to include that teaches  $FV \text{ amount} = \text{Summation } (FV \text{ Expected Value}_i)/(1+r_i)^i$  where:  $i = 1, \dots, n$  = number of forecast periods, and  $r_i$  = is a rate entered by the user for forecast period  $i$  as taught by Microsoft Office Excel, Kuhlemeyer and Sulkowski to allow for the calculation of the FV over a number of forecast periods.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is

Art Unit: 3693

(571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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